IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5803 of 2005

Between:

P. Babu Rao E. 78460, Mechanic S/o. P. Lakshmaiah
R/o. Hyderabad, Hyderabad District.

..... PETITIONER

AND

1 The APSRTC, Rep. by its Managing Director, Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the Nature of Writ of Mandamus; a) Not paying the Subsistence Allowance from 11-10-2003 to till date; b) Not paying the Revised pay Scales and Privileges, Bus Pass, Uniform, Stagnation Increment, Regular Increments till date; c) Reducing the Subsistence Allowance from 50% to 25% from April, 2002 to till October, 2003; d) keeping the petitioner under Suspension from 11-10-2001 to till date ; is illegal, arbitrary, and violative to Regulation 18,19 and 20 of CCA Regulations and violative to Art. 21 and 311 of Constitution of India and against the principles of Natural Justice, consequently direct the respondents to, pay the same and permit the petitioner to discharge his duties.

Counsel for the Petitioner: MR.S.A.K.MYNUDDIN

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in a) not paying the subsistence allowance from 11.10.2003 to till date; b) not paying the revised pay scales and privileges, bus pass, uniform stagnation increment, regular increments till date; c) reducing the subsistence allowance from 50% to 25% from April, 2002 to October, 2003 and d) in keeping the petitioner under suspension from 11.10.2001 to till date, as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material on record.

The learned counsel for the petitioner has contended that the petitioner was suspended from service with effect from 11.10.2001, but in view of the suspension order, dated 11.10.2001, as on today, the authorities concerned have not completed the enquiry. He has further contended that an employee cannot be kept under suspension for a prolonged period. The petitioner was issued a charge memo on 11.10.2001. On earlier occasion, in W.P.No.17543 of 2002, this Court directed the authorities concerned to conduct disciplinary proceedings against the petitioner by appointing an Enquiry Officer.

In the light of the above, the petitioner is entitled to the subsistence allowance in accordance with the rules and regulations of the

Corporation as a matter of right.

Therefore, a direction can be given to the respondents-Corporation to complete the enquiry within a period of two months from the date of receipt of a copy of this order. It is also made clear the respondents shall pay subsistence allowance to the petitioner in accordance with the rules and regulations of the Corporation, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

22nd March, 2005

bcj

To

1 The Managing Director, The APSRTC, Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad.

3 2 CD copies

4 1 CC to MR.MYNUDDIN, Advocate

Note: Furnish copy in two days

B/o

bcj